

REGULAR MEETING
ENFORCEMENT AND RESOURCE PROTECTION COMMITTEE
SEPTEMBER 26, 2007 – 3:00 P.M.
TRIBAL OFFICE BOARDROOM

1. Call to Order and Roll Call. Chairman Gary Besaw called the meeting to order at 3:08 p.m. Roll Call was taken with a quorum present. MEMBERS PRESENT: Gary Besaw, Karen Washinawatok, Toni Caldwell, Walter Cox, Barbara Nelson, Lynette Miller, Gary Schuettepelz and Bill Williams. MEMBERS ABSENT: Mark Waukau (excused) and Robert Summers (excused).

2. Moment of Silence. A moment of silence was observed.

3. Approval of Minutes dated August 22, 2007.

Barb Nelson wants to make sure that the committee responds to the implementation of ankle bracelets. This will be addressed at the next meeting.

Motion made by Lynnette Miller to approve the minutes dated August 22, 2007. Second was by Barb Nelson. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 2 abstentions (Washinawatok and Caldwell) and 2 absent (Waukau and Summers).

4. Court Procedures: Oral Presentation

Apesanahkwat addressed the committee that there is no relief for his client. He went to the courts on a domestic violence charge and the court ruled that his wife was being abused. There was a five year injunction imposed and within the injunction he was also not allowed to visit his five children. He is not capable of causing physical harm as he is a quadriplegic. An appeal was sought a year later but the ruling judge said no, that he was not going to re-open the case. He sought the response in writing and again was told no.

Now the mother is in jail for a year, lost the HUD home and the five children have been split into two homes. The children are running away from home and are running away to their paternal grandparents and paternal aunt's home. The children are also scared and one child even carries a knife to protect himself against his older step-brother.

The children are old enough to express that they want to see and live with their father. The courts do not have a forum for such actions.

The paternal grandparents have sought visitation rights pursuant to the State of Wisconsin laws which the Tribal Court has adopted. There has not been a ruling yet.

The paternal aunt informed the committee that for the past four years, her brother has kept a therapy calendar and mentioned that the maternal grandmother is the first one on the scene and is very disrespectful to the officers that respond. Her father drove her on 6/10/06 so that his daughter can break in. His assisted with breaking the law and never was reprimanded.

The father never lost his parental rights. The restraining order prevents the father from seeing his children. The father has a 4-bedroom home. The paternal grandparents have room. The paternal aunt has room and another family member has room for all 5 children. Yet, no one is listening or taking an interest in these children.

This is not the proper forum to hear the individual case but this committee can only give recommendations or processes. This is something that is located in the strategic plan.

This committee is aware that there are five children that are in need of protection. Their mother is in jail and should be there for one year. The client is looking for immediate relief.

Motion made by Lynnette Miller to recommend to the Legislature to direct the Tribal Legal Department to assist Tribal Social Services in the investigation of the case that was presented to this committee regarding the five minor children and that the investigation be initiated no later than October 22, 2007. Second was by Gary Schuettpelz. All those in favor of the motion signify by saying aye. Motion carried: for, 0 opposed, 0 abstentions and 2 absent (Waukau and Summers).

Motion made by Gary Schuettpelz to suspend the agenda to hear item #12. Second was by Barb Nelson. All those in favor of the motion signify by saying aye. Motion carried; 7 for, 0 opposed, 0 abstentions and 2 absent (Waukau and Summers).

12. Review Monthly Reports

The tax commission report was reviewed and wanted to know if the vendor is still behind in their payment. This is the end of the year and is the Tribe going to see where the payment is.

Richard Dodge wanted an update on the junk yard ordinance. He went to the Tribal Courts to find out when this information was going to be printed. Tribal courts directed him to Menominee Nation News who referred him back to the courts.

The courts could provide the disposition papers of the violators on a weekly basis.

Motion made by Lynnette Miller to have the Legislature recommend that the Nation News publish the junk car, junk mobile homes and solid waste disposition papers that are received from the Tribal Courts. Second was by Bill Williams. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions and 2 absent (Waukau and Summers).

Conservation reported that one bear slipped its collar and we are down to monitoring 14 bears.

Motion made by Barb Nelson to return to item # 5 Brownsfield Update. Second was by Karen Washinawatok. All those in favor of the motion signify by saying aye. Motion carried; 7 for, 0 opposed, 0 abstentions and 2 absent (Waukau and Summers).

5. Brownsfield Update.

Frank McLellan informed the committee that the EPA will be using our Clandestine Drug Lab Sites as a nationwide model. Mr. McLellan informed the committee that he will be submitting proposed clean up sites to the EPA and if anyone knows of any other sites, please contact him.

The Brownsfield Update Report is attached to the minutes as part of the public record.

6. Former Boivin property: UST site cleanup.

Frank McLellan informed the committee that Environmental Services did the rice sampling and the tentative report states that there is a lead problem and the consultant recommends that we will need to sample the rice beds again next year.

Dave Grignon informed the committee that the kids from the Tribal School and MISD are being taught how to gather rice to keep our tradition alive. There needs to be some protection on this rice field. Other living creatures eat the rice; the fish; the waterfowl and use the medicinal plants along the river. Our Tribe needs to do something and protect this bed.

The Tribe has put a request to the EPA to use some Brownsfield funding money to test the frogs, birds, along the river.

Menominee County is claiming that they have no responsibility and have stated that the Miller's (owners of the site now), the Tribe and EPA are the responsible parties.

Motion made by Walter Cox to recommend to the Legislature to concur with the recommendation of the Enforcement and Resource Protection committee to direct Frank McLellan to cooperate with the Department of Natural Resources Attorney and to forward appropriate documents regarding the Former Boivin's property. Second was by Karen Washinawatok. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 1 abstention (Nelson) and 2 absent (Waukau and Summers).

7. Ground Water Regulations: Discussion and Recommendations.

Gary Schuettepelz informed the committee that there is an existing ordinance and this is the rewrite of that particular ordinance. The committee will review the draft and bring it back at the next meeting to make the recommendations to repeal the old ordinance and replace it with this one.

8. Authority to declare a "State of Emergency": Discussion and Recommendations.

Warren Warrington attended an emergency response meeting and the facilitators informed the group that the first question would be "Under what authority was this state of emergency declared?"

Mr. Warrington informed the committee that he spoke with Bill Kussel and there is nothing on file (Inherent or implicit).

Mr. Kussel will follow up with Kenneth A. Fish/Emergency Response Coordinator to get this draft together and will present the draft when ready.

9. City-Wide Watch Program: Discussion and Recommendations.

This agenda item is already being discussed within the MTL/Menominee County Task Force.

10. Probation and Parole Ordinance (#94-01): Review and Recommendations.

Motion made by Barb Nelson to table item #10-Probation and Parole Ordinance. Second was by Lynnette Miller. All those in favor of the motion signify by saying aye. Motion carried; 7 for, 0 opposed, 0 abstentions and 2 absent (Waukau and Summers).

11. Draft Peddlers Ordinance.

Motion made by Barb Nelson to table item #11-Draft Peddlers Ordinance. Second was by Gary Schuettpelz. All those in favor of the motion signify by saying aye. Motion carried; 7 for, 0 opposed, 0 abstentions and 2 absent (Waukau and Summers).

13. Other Business.

Brian Tepiew wanted to know if it possible to have a police officer move into the Middle Village due to the abundance of crime that is there.

Warren Warrington will talk with Betty Jo Wozniak to find out if the program is still available and if so, how to get this implemented. Mr. Tepiew will contact Mr. Warrington for futher updates.

14. Adjournment

Motion made by Barb Nelson/Karen Washinawatok to adjourn the meeting.

Meeting adjourned at 5:05 p.m.

Respectfully submitted by,

Linda Peters, Recorder/Transcriber